

63-7-20. Utility and carrier inspection; fee.

- A. Each utility and carrier doing business in this state which is subject to the ~~control and jurisdiction of the commission by virtue of the provisions of Article 11 of the constitution of New Mexico with respect to its rates and service~~ shall pay annually to the commission a fee in performance of its duties as now provided by law. The fee for carriers shall not exceed two hundred fifty-six thousandths percent of its gross receipts from business transacted in New Mexico for the preceding calendar year. The fee for utilities shall not exceed five hundred eleven thousandths percent of its gross receipts from business transacted in New Mexico for the preceding calendar year. This sum shall be payable annually on or before April 1 in each year. No similar fee shall be imposed upon the utility or carrier. In the case of utilities or carriers engaged in interstate business, the fees shall be measured by the gross receipts of the utilities or carriers from intrastate business only for the preceding calendar year and not in any respect upon receipts derived wholly or in part from interstate business. As used in this section, "utility" includes ~~telephone companies and transmission companies but~~ telecommunications providers, including any telephone company, transmission company, commercial mobile radio services company, other provider of comparable alternative services, or pay telephone provider regulated in whole or in part by the commission under law, but does not include public utilities subject to the Public Utility Act [62-13-1 NMSA 1978].
- B. When a fee is not paid on the date it is due, interest shall be paid to the state on the amount due. The interest on the amount due shall start to accrue on the day following the due date and shall continue to accrue until the total amount due is paid. The rate of interest on a late fee payment shall be fifteen percent per year, computed at the rate of one and one-fourth percent per month.
- C. In addition to any interest due on a late fee payment, a penalty shall be paid to the state for failure to pay the fee when it is due. The penalty imposed shall be two percent of the amount of the fee due.
- D. The attorney general, in the name of the state, shall bring suit to collect fees, interest and penalties that remain unpaid.
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